

REMARKS/ARGUMENTS

CLAIM REJECTIONS - 35 USC § 102

Independent Claim 1

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,410,600 issued to Thorpe (“Thorpe”).

Independent Claim 1 specifies “the user-manipulatable control also operable to facilitate movement of the seat back between a plurality of reclined positions.”

Thorpe discloses that in station wagons, the backrest of the utility seat is movable from an upright normal position to a lowered position to increase the load carrying area in the car. *Thorpe*, col. 1, lines 29-31. Thorpe also discloses that a backrest 7 is “movable from the upright position into a horizontal position to extend the load carrying area in the rear of the vehicle.” *Id.* at col. 2, lines 5-8. Thorpe only discloses that the backrest 7 can move to one reclined position, *i.e.*, the lowered or horizontal position. As a result, Thorpe does not disclose “a plurality of reclined positions.”

Independent Claim 1 also specifies “the user-manipulatable control retained in at least one position when the seat is in the unlatched condition and in which the user-manipulatable control provides a visual indication that the seat latch is not in the latched condition.

If the handle 39 of Thorpe is the “user-manipulatable control” of Claim 1, the handle 39 is in an angled position in Figure 5 in which the seat is in the unlatched condition (due to the striker 13 being outside of the jaws 25 of the latch device 15). *Id.* at col. 2, lines 25-29. The handle 39 is in a substantially horizontal position in Figure 6 in which the seat is also in the unlatched condition. *Id.* at col. 3, lines 11-17. Figures 5 and 6 of Thorpe both illustrate the unlatched condition; however, the handle 39 is in two different positions. As a result, the handle 39 does not provide a visual indication that the seat latch is not in the latched condition, as specified by Claim 1.

Accordingly, independent Claim 1 and dependent Claims 2-8 are allowable.

Independent Claim 9

Claim 9 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Thorpe.

Independent Claim 9 specifies “a user-manipulatable control received at least partially within the housing, movable along a first path to move the seat latch from the latched condition to the unlatched condition, and movable along a second path to move the seat latch into and out of the reclining condition but retaining the seat latch in the latched condition.”

Thorpe discloses that the handle 39 moves downward (*i.e.*, along a first path, as indicated by the arrow in Figure 3) to move the latch device 15 from the latched position (Figure 2) to the unlatched condition (Figure 4). *Id.* at col. 2, lines 13-28. Thorpe also discloses that the handle 39 moves upward (*i.e.*, along a second path, as indicated by the arrow in Figure 4) while the backrest 7 moves forward into its lowered or horizontal position. *Id.* at col. 2, line 70 to col. 3, line 7. However, upward movement of the handle 39 does not retain the striker 13 within the jaws 25 of the latch device 15. Thus, Thorpe does not disclose a user-manipulatable control that moves “along a second path to move the seat latch into and out of the reclining condition but retaining the seat latch in the latched condition.”

Independent Claim 9 also specifies “the user-manipulatable control protruding outside of the housing when the latch is in the unlatched condition and not protruding beyond the housing when the latch is in the latched condition.” The handle 39 of Thorpe does protrude outside of the housing 23 when the latch device 15 is in the unlatched condition (Figure 5); however, the handle 39 of Thorpe also protrudes beyond the housing 23 when the latch device 15 is in the latched condition (Figure 2).

Accordingly, independent Claim 9 and dependent Claims 10-12 are allowable.

Independent Claim 13

Claim 13 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Thorpe.

Independent Claim 13 specifies “a user-manipulatable control coupled to the ratchet and movable from a first position to a second position to facilitate reclining of the vehicle seat, and from the first position to a third position to facilitate disengagement of the frame from the striker.”

Thorpe discloses that the handle 39 is movable downward from a first position (angled in Figure 2) to a second position (horizontal in Figure 3) to allow the striker 13 to be released from the latch device 15 (Figure 5). *Id.* at col. 2, lines 13-38. However, the handle 39 does not move from the first position (angled in Figure 2) to a third position to facilitate disengagement of the housing 23 from the striker 13. The position of the handle 39 in Figure 6 cannot be the “third position” of Claim 13, because the position of the handle 39 prevents the latch device 15 from moving from its released position when the detent member 17 is moved by mistake into its disengagement position. In other words, the position of the handle 39 in Figure 6 facilitates reengagement of the striker 13 to the housing 23, even if the detent member 17 is moved by mistake when the backrest 7 is in its lowered or horizontal position. *Id.* at col. 3, lines 11-17. Thus, Thorpe does not disclose a user-manipulatable control movable “from the first position to a third position to facilitate disengagement of the frame from the striker.”

Independent Claim 13 also specifies “a biasing member coupled to the user-manipulatable control and biasing the user-manipulatable control toward the first position when the user-manipulatable control is in the second position, the biasing member not biasing the user-manipulatable control toward the first position when the user-manipulatable control is in the third position.” If the spring 19 of Thorpe is the “biasing member” coupled to the handle 39, the spring 19 biases the handle 39 toward the first position (angled in Figure 2) when the handle 39 is in the second position (horizontal in Figure 3). *Id.* at col. 2, lines 55-56. However, the spring 19 of Thorpe also biases the handle 39 toward the first position (angled in Figure 2) when the handle 39 is in any other position. In other words, the spring 19 always biases the handle 39

toward the first position (angled in Figure 2). The automatic catch leaf spring 21 of Thorpe cannot be the “biasing member” of Claim 13, because the spring 21 is not coupled to the handle 39, nor does the spring 21 bias the handle 39 toward the first position (angled in Figure 2) when the handle 39 is in the second position (horizontal in Figure 3). *Id.* at col. 2, lines 19-21 and lines 42-43.

Accordingly, independent Claim 13 and dependent Claims 14-19 are allowable.

Independent Claim 20

Claim 20 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Thorpe.

Independent Claim 20 specifies “actuating a user-manipulatable control in a first manner to release a latch from a striker and to enable movement of the vehicle seat with respect to the vehicle” and “actuating the user-manipulatable control in a second manner different from the first manner to recline the seat.”

Thorpe discloses actuating a handle 39 in a first manner (downward from the position in Figure 2 to the position in Figure 3) to release a latch device 15 from a striker 13 and to enable movement of the backrest 7 with respect to the wheel wells 5. *Id.* at col. 2, lines 13-28. However, Thorpe does not disclose actuating the handle 39 in a second manner different from the first manner to recline the backrest 7. When the latch device 15 is in its released position (as shown in Figures 5 and 6), the backrest 7 is allowed to move backward until the striker 13 is captured by the latch device 15. However, the handle 39 itself is not actuated to recline the backrest 7.

Accordingly, independent Claim 20 and dependent Claims 21-22 are allowable.

Dependent Claims 2-8, 10-12, 14-19, 21, and 22

Claims 2-8, 10-12, 14-19, 21, and 22 depend from independent Claims 1, 9, 13, and 20, and are therefore allowable for the same reasons set forth above with respect to Claims 1, 9, 13,

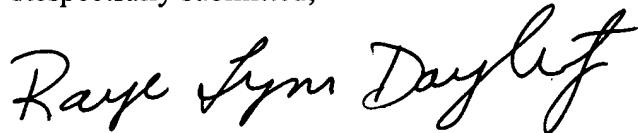
U.S. Patent Application Serial No. 10/791,306
Response to August 23, 2005 Office Action
Response dated Nov. 23, 2005
Atty. Docket No. 087801-9033

and 20. Claims 2-8, 10-12, 14-19, 21, and 22 also specify additional patentable subject matter not specifically discussed herein.

CONCLUSION

In light of the above, Applicants respectfully request reconsideration and allowance of Claims 1-22.

Respectfully submitted,



Raye L. Daugherty
Registration No. 47,933

File No. 087801-9033-00
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, WI 53202
(414) 271-6560